

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FAROUK SYSTEMS, INC.

§

Plaintiff,

§
§

vs.

CIVIL ACTION NO. 4:09-cv-3746

BRUCE BURNS and
GARY MALONE

JURY DEMANDED

Defendants.

§

FINAL JUDGMENT AND PERMANENT INJUNCTION

Plaintiff, FAROUK SYSTEMS, INC., ("Plaintiff"), having moved for entry of default and entry of default judgment, and the Court, having reviewed the pleadings and evidence submitted therewith and, finding that Defendants Bruce Burns and Gary Malone (collectively "Defendants") have failed to file any pleading responsive to Plaintiff's Complaint, finds that Plaintiff's motion should be granted in its entirety.

It is therefore ORDERED ADJUDGED and DECREED that Plaintiff's Motion for Entry of Default and Entry of Default Judgment is GRANTED. As authorized by 15 U.S.C. § 1117(c)(2), Plaintiff is awarded statutory damages in the amount of one million dollars and no cents (\$ 1,000,000.00) due to Defendants' willful infringement of Plaintiff's trademark rights. Plaintiff is also award post-judgment interest at a rate of .34 % per annum from the date of this Final Judgment. As this action is an exceptional case under 15 U.S.C. § 1117(a), Plaintiff is also awarded its attorney's fees and costs in an amount of \$7,277.00, and \$753.83, respectively, as authorized by 15 U.S.C. §§ 1117(a) and/or 1117(b).

It is further ORDERED, ADJUDGED, and DECREED that:

Defendants Bruce Burns and Gary Malone are jointly and severally liable to Plaintiff for all awards of damages, interest, attorneys' fees, and costs.

It is further ORDERED, ADJUDGED, and DECREED that:

1. Defendants are permanently enjoined from advertising, promoting, representing, offering for sale, or selling any hair care product bearing, displaying, or advertising under: (a) the trademark CHI; (b) the trademark CHI of U.S. Trademark Registration No. 2,660,257; U.S. Trademark Registration No. 3,107,769; U.S. Trademark Registration No. 3,426,769; and/or of U.S. Trademark Application Serial No. 76/512,597; (c) the trademark ULTRA CHI of U.S. Trademark Registration No. 3,331,008 and U.S. Trademark Registration No. 3,341,114; (d) the trademark CHI NANO of U.S. Trademark Registration No. 3,387,588; or (e) the trademark BIOCHI of U.S. Trademark Application Serial No. 77/265,353 (collectively the "Farouk Systems Trademarks"), unless such hair care products are obtained by Defendants from Farouk Systems, Inc.

2. Defendants are permanently enjoined from advertising, promoting, representing, offering for sale, or selling any hair care product as being sponsored by, associated with, affiliated with, or connected to Farouk Systems, Inc., unless such hair care products are obtained by Defendants from Farouk Systems, Inc.

3. Defendants are permanently enjoined from representing to the public that either of them is authorized by Farouk Systems, Inc. to promote, advertise, sell, or offer for sale any hair care product bearing, displaying, or advertised under the Farouk Systems Trademarks; and

4. Defendants are permanently enjoined from advertising, promoting, selling, offering for sale, or in any other way representing to the public that any hair care products, not

originating from Farouk Systems, Inc., are associated with, sponsored by, connected with, or affiliated with Farouk Systems, Inc.

It is further ORDERED, ADJUDGED, and DECREED that this Final Judgment and Permanent Injunction is binding on Defendants, their representatives, successors, and assigns.

This is a Final Judgment.

SIGNED on this 14th day of March, 2010, at Houston, Texas.


Keith R. Ellison
United States District Judge